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6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

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9 MICHAEL J. WELLS,

Case No. 3:18-cv-00297-LRH-CLB

10 Plaintiff,

ORDER

11 v.

12 LINDA McMAHON, *in her official*  
13 *capacity as the Administrator of the*  
14 *U.S. Small Business Administration,*  
and the NEVADA STATE  
DEVELOPMENT CORPORATION,

15 Defendants.  
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18 On April 22, 2019, the court entered its order (ECF No. 39) which dismissed plaintiff's  
19 claims against Linda McMahon, in her official capacity as the Administrator of the United States  
20 Small Business Administration, and also dismissed plaintiff's claims against the Nevada State  
21 Development Corporation. All but one claim was dismissed without prejudice, and the court stated  
22 in its order (ECF No. 39, p 15 ln 3-14) that:

23 In lieu of dismissing Wells' complaint against NSDC with prejudice, the Court will  
24 grant Wells leave to amend on five of his six claims. Federal Rule of Civil  
25 Procedure 15(a) allows for a court to grant a party leave to amend a complaint  
26 "when justice so requires," because the rule's underlying purpose is to facilitate  
27 decisions on the merits rather than pleadings or technicalities. *Lopez v. Smith*, 203  
28 F.3d 1122, 1127 (9th Cir. 2000) (en banc). Leave to amend should only be denied  
if allowing the amendment would unduly prejudice the opposing party, cause undue  
delay, be futile, or if the moving party has acted in bad faith. *Leadsinger, Inc. v.*  
*BMG Music Publ'g*, 512 F.3d 522, 532 (9th Cir. 2008). There is no reason to believe  
that allowing Wells to amend his complaint will prejudice NSDC, and given the  
fact that Wells originally filed his complaint in state court, he should be given an

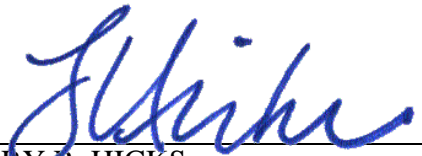
1 opportunity to remedy the factual deficiencies within it. The Court will, however,  
2 dismiss Wells's claim for equitable subrogation with prejudice for the reasons  
3 stated within this order.

4 However, almost one year later, plaintiff has not amended his complaint. And GOOD  
5 CAUSE APPEARING,

6 IT IS HEREBY ORDERED that the Clerk of the Court shall CLOSE this matter.

7 IT IS SO ORDERED.

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9 DATED this 12th day of March, 2020.

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11 LARRY R. HICKS  
12 UNITED STATES DISTRICT JUDGE  
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